

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction 61 and Licensee of Various	)	
Authorizations in the Wireless Radio Services	)	
	)	
Applicant for Modification of Various	)	
Authorizations in the Wireless Radio Services	)	
	)	Application File Nos. 0004030479,
Applicant with ENCANA OIL AND GAS (USA),	)	0004144435, 0004193028, 0004193328,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004354053, 0004309872, 0004310060,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004314903, 0004315013, 0004430505,
MEMBERSHIP ELECTRIC COOPERATIVE;	)	0004417199, 0004419431, 0004422320,
PUGET SOUND ENERGY, INC.; ENBRIDGE	)	0004422329, 0004507921, 0004153701,
ENERGY COMPANY, INC.; INTERSTATE POWER	)	0004526264, 0004636537
AND LIGHT COMPANY; WISCONSIN POWER	)	and 0004604962
AND LIGHT COMPANY; DIXIE ELECTRIC	)	
MEMBERSHIP CORPORATION, INC.; ATLAS	)	
PIPELINE -- MID CONTINENT, LLC; DENTON	)	
COUNTY ELECTRIC COOPERATIVE, INC., DBA	)	
COSERV ELECTRIC; AND SOUTHERN	)	
CALIFORNIA REGIONAL RAIL AUTHORITY	)	
	)	
For Commission Consent to the Assignment of	)	
Various Authorizations in the Wireless Radio	)	
Services	)	

To: Marlene H. Dortch, Secretary  
Attn: Managing Director, Office of Managing Director  
Attn: Chief Administrative Law Judge Richard L. Sippel

**REQUEST FOR DEFERRAL AND WAIVER OF FEES**  
**FOR NOTICE OF APPEARANCE**

Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation and Monitoring Wireless, LLC, Verde Systems LLC, Telesaurus Holdings GB, LLC, V2G LLC and Warren C. Havens ("Petitioners"), by and through their undersigned counsel, hereby request a deferral and ultimately a waiver of any fees due under Subpart G, Rule §1.1102 of the

Commission rules, or any other rule, that may be charged to Petitioners in connection with their appearance and participation in the above-captioned matter. Petitioners' Notice of Appearance accompanies the filing of this request.

After review of potentially applicable rules (including 47 C.F.R. §§1.221, 1.1102, and §1.1119), and communication with the Office of Managing Director, it is not clear that fees are due from Petitioners in the first instance. If the FCC determines that this is the case, then there is no need for a grant of a waiver. Petitioners request, in any case, that any hearing fees that may possibly be due under any rules be deferred until a determination can be made as to whether any fees are due and, if so, a decision is made on the instant fee waiver request.

The primary authority for the requested deferral and waiver of fees is *In the Matter of Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, Report and Order*, 2 FCC Rcd 947 at para 143 (1987), where the Commission explained:

We will not, however, require the hearing fee for parties designated for hearing in a renewal, assignment/transfer, or revocation proceeding. These actions are in the nature of an enforcement action against a licensee and the imposition of a fee against the licensee would be inconsistent with the licensee's right to a hearing.

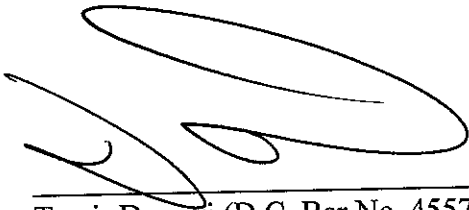
Under this Commission determination, imposition of fees is not appropriate in the above-captioned revocation matter to which Petitioners are designated parties (see ¶72 of the OSC).

Alternatively, a waiver should be granted under 47 C.F.R. §1.925 where “The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and [where] a grant of the requested waiver would be in the public interest.” In this case, due to the reasons described above, the FCC has determined that fees assessed against parties such as Petitioners in a revocation hearing of this nature are not appropriate. Therefore, any hearing fees described under Subpart G, Rule §1.1102, or other rule, that might otherwise be applicable to Petitioners, should be waived in the public interest.

Furthermore, the *Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing*, FCC 11-64, released April 19, 2011 giving rise to this case (the “OSC”) arose in large measure out of the efforts of Petitioners, following approximately six years of ongoing extensive investigation, legal expense, and pleadings by Petitioners before the FCC (Enforcement Bureau and Wireless Bureau). Because that endeavor by Petitioners was the primary cause of the OSC (or at minimum, the cause of the Enforcement Bureau investigation that led to the OSC), and since the OSC was clearly issued by the Commission in its capacity to protect the public interest, Petitioners should be entitled to a fee waiver because their substantial endeavors facilitated OSC’s protection of the public interest, furthering a core function of the FCC to enforce its rules. A fee waiver is therefore equitable, and would be in the public interest.

Filing of this Request

This fee deferral and waiver request is being filed in hard copy with the Secretary at the Office of the Secretary as captioned above, as well as: (1) by fax to Office of Administrative Law Judges at 202-418-0195, with complimentary email to Administrative Law Judge Richard Sippel, [Richard.Sippel@fcc.gov](mailto:Richard.Sippel@fcc.gov); (2) by email to the following persons within the Office of Managing Director: Paul Cascio, [paul.cascio@fcc.gov](mailto:paul.cascio@fcc.gov), and Daniel Daly, [Daniel.daly@fcc.gov](mailto:Daniel.daly@fcc.gov), Gail Glasser, [gail.glasser@fcc.gov](mailto:gail.glasser@fcc.gov), and [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) and (3) via FCC ECFS in EB Docket No. 11-71.



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Telesaurus Holdings GB LLC, FRN 0005748660  
V2G LLC, FRN 0019661297  
Warren Havens, FRN 0003787694

## **CERTIFICATES OF SERVICE**

I, the undersigned, hereby certify that a copy of the foregoing **DEFERRAL AND WAIVER OF FEES FOR NOTICE OF APPEARANCE**, duly executed, along with this executed Certificate of Service, duly executed, is being faxed this 9<sup>th</sup> day of May, 2011, to the **Office of Administrative Law Judges**, by facsimile to fax number (202) 418-0195, in compliance with footnote 1 in the *Order* of Richard L. Sippel, Chief, Administrative Law Judge, FCC 11M-11 (May 3, 2011).

I, the undersigned, hereby certify that a copy of the foregoing **DEFERRAL AND WAIVER OF FEES FOR NOTICE OF APPEARANCE**, duly executed, along with this executed Certificate of Service, duly executed, is being emailed this 9<sup>th</sup> day of May, 2011, to the parties and emails for the Office of Managing Director listed in the section in the waiver and deferral request entitled "Filing Matters".

I, the undersigned hereby certify that a copy of the foregoing **DEFERRAL AND WAIVER OF FEES FOR NOTICE OF APPEARANCE**, duly executed, along with this executed Certificate of Service, duly executed, is being served this 9<sup>th</sup> day of May, 2011, via U.S. Mail, first class postage prepaid, upon the Chief of the FCC Enforcement Bureau, listed below, as a party in this hearing case, under ¶ 69 of the FCC *Order to Show Cause*, FCC 11-64 (April 19, 2011), as well as to each of the following potential parties in this hearing case, as identified and using the service information in ¶ 73 of FCC 11-64:

P. Michele Ellison,  
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**Federal Communications Commission**  
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**DCP Midstream LP**  
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dba CoServ Electric**

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